

PREPARED BY & RETURN TO:
J. TERRY PITTS
60 Germantown Court, Suite 101
Cordova, TN 38018
(901) 756-4063

6/01/09 8:30:59
DK T BK 3,037 PG 477
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

AFFIDAVIT OF BORROWER OF RELEASE IN ERROR AND REINSTATEMENT OF
MORTGAGE

After being duly sworn as required by law affiant deposes and says:

My name is Dennis Burton, and I am President of Unique Properties, Inc. As President of Unique Properties, Inc., I executed a promissory note in the principal sum of \$3,840,000.00. To secure the indebtedness, and I as President of Unique Properties, Inc. executed a construction deed of trust which was recorded in Chancery Clerk's Office of DeSoto County, Mississippi, in Book 2641, Page 162 encumbering the following described property:

Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 32 & 33, THE RESERVE AT CHEROKEE VALLEY, situated in Section 32, Township 1 South, Range 6 West, DeSoto County, Mississippi, as per plat recorded in Plat Book 98, Page 34, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

On January 13, 2009, a full release of said Deed of Trust was recorded in said office in Book 2981, Page 768. This document was executed and recorded in error and should have been a partial release only releasing the following:

Lot 12, THE RESERVE AT CHEROKEE VALLEY, situated in Section 32, Township 1 South, Range 6 West, DeSoto County, Mississippi, as per plat recorded in Plat Book 98, Page 34, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

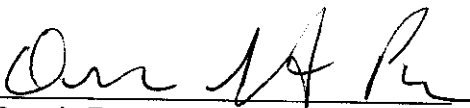
The indebtedness evidenced by the promissory note dated January 5, 2007, has not been paid in full, and it never should have been fully released. On January 5, 2007, I, as President of Unique Properties, Inc., encumbered the property described in said deed of trust, and from that date until the present, it has been and is a first mortgage lien on the following described property:

Lots 3, 4, 9, 10 and 11, THE RESERVE AT CHEROKEE VALLEY, situated in Section 32, Township 1 South, Range 6 West, DeSoto County, Mississippi, as per plat recorded in Plat Book 98, Page 34, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

The lien of said Deed of Trust of record is released as to the following lots only:

Lots, 5, 6, 7, 8, 12, 32 and 33, THE RESERVE AT CHEROKEE VALLEY, situated in Section 32, Township 1 South, Range 6 West, DeSoto County, Mississippi, as per plat Recorded in Plat Book 98, Page 34, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

UNIQUE PROPERTIES, INC.

By: 
Dennis Burton, President

STATE OF TENNESSEE, COUNTY OF SHELBY

This day personally appeared before me, the undersigned authority of law in and for the jurisdiction aforesaid, the above named Dennis Burton, the President of Unique Properties, Inc., who acknowledged that for and on its behalf, he signed, sealed and delivered the foregoing Affidavit on this day and year therein mentioned as its act and deed, being first duly authorized so to do.

GIVEN under hand and official seal at office this 14th day of May, 2009.

Lena McClain

Notary Public

My Commission Expires:

8-22-10



UP-5869

UP-5869 MASTER

BANCORPSOUTH BANK
3694 Houston Levee Road
Collierville, TN 38017
(901) 850-3240

UNIQUE PROPERTIES, INC.
P. O. Box 1329
Collierville, TN 38027-1329
(901) 756-4063